Court Minutes

March 22, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Nicholson, Acting Presiding Justice; Robie, Associate Justice; Butz, Associate Justice; and Horner, bailiff.

C060425 THE PEOPLE v. ROBERT JAY MATHERS

Cause called. Roberta Franklin, court appointed counsel, argued for appellant. Daniel B. Bernstein, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:48 a.m., the court recessed until 9:30 a.m., Tuesday, March 23, 2010.

C057327 THE PEOPLE v.

(Not For Publication)

MATTHEW STEVEN RAYBOULD

Judge Kearney's orders sustaining the demurrer and dismissing the felony complaint are affirmed.

HULL, J.

We Concur: Sims, Acting P.J.

Cantil-Sakauye, J.

C058326 THE PEOPLE v. GEORGE MILWARD

(Certified For Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Nicholson, Acting P.J.

Robie, J.

C061301 THE PEOPLE v.

(Not For Publication)

JOHN WILLIAM BOVIE

The judgment is modified... So modified, the judgment is affirmed.

BUTZ, J.

We Concur: Blease, Acting P.J.

Raye, J.

C062400 THE PEOPLE v.

(Not For Publication)

TIMOTHY STUART MOORE

The judgment is reversed insofar as it relates to defendant's sentence under section 667.6 on count II, and the matter is remanded for resentencing. The judgment is affirmed in all other respects.

BUTZ, J.

We Concur: Scotland, P.J.

Hull, J.

Court Minutes

March 22, 2010, Continued

C064056 M.S. v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY

(Not For Publication)

et al.

The petition for extraordinary writ is granted as to the claim of failure to provide notice in compliance with ICWA and denied as to the remaining issues.

. . .

Petitioner's request for stay is denied. In order to prevent the frustration of the relief granted, the decision of this court shall be final forthwith. (Cal. Rules of Court, rule 8.490 (b) (3).)

HULL, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

March 23, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Hull, Associate Justice; and Horner, bailiff.

C061031 MARTINEZ v. BOARD OF PAROLE HEARINGS

Cause called. Krista L. Pollard, Deputy Attorney General, argued for appellant. Ken I. Karan argued respondent. Cause submitted.

At 10:02 a.m., the court recessed. At 10:04 a.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Cantil-Sakauye, Associate Justice.

C058743 LEG INVESTMENTS v. BOXLER et al.

Cause called. Jay-Allen Eisen argued for appellant. Robert Sinclair argued for respondents. Cause submitted.

CONSOLIDATED WITH

C059785 LEG INVESTMENTS v. BOXLER et al.

Cause called. Jay-Allen Eisen argued for appellant. Robert Sinclair argued for respondents. Cause submitted.

At 10:33 a.m., the court recessed. At 10:36 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

Court Minutes

March 23, 2010, Continued

C060482 WARNER et al. v. CITY OF CITRUS HEIGHTS POLICE DEPARTMENT et al.

Cause called. Suzanne Solomon argued for appellants. David Mastagni argued and Anthony Donoghue appeared only for respondents. Cause submitted.

At 11:01 a.m., the court recessed. At 11:03 a.m., the court reconvened with Sims, Associate Justice; Raye Associate Justice; and Hull, Associate Justice.

C052373 CALIFORNIANS FOR PESTICIDE REFORM et al. v. CALIFORNIA **DEPARTMENT OF PESTICIED REGULATION et al.**

Cause called. Michael W. Graf argued and Alegria De La Cruz appeared only for appellant. Anita Ruud, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:28 a.m., the court recessed until 9:30 a.m., Wednesday, March 24, 2010.

C060326 THE PEOPLE v.

KENNETH KIRK STRIAGHT

(Not For Publication)

The judgment is modified by striking the \$200 restitution fine. The original \$200 restitution fine imposed in 2004 remains in force. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and forward it to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Butz. J.

C060628 THE PEOPLE v. JOSEPH ORTIZ

(Not For Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Nicholson, J.

Raye, J.

C061059 In re A.J. et al.; SACRAMENTO COUNTY **DEPARTMENT OF HEALTH AND HUMAN**

(Not For Publication)

SERVICES v. A.M.

The orders of the juvenile court are affirmed.

HULL, J.

We Concur: Scotland, P.J.

Butz. J.

Court Minutes

March 24, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

C060359 THE PEOPLE v. DAIQUIRI HALL et al.

Cause called. Richard M. Doctoroff, court appointed counsel, argued for appellant Hollins. Larenda Delaini, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:55 a.m., the court recessed. At 9:59 a.m., the court reconvened with Blease, Associate Justice; Raye Associate Justice; and Robie, Associate Justice.

C060744 LANE et al. v. CITY OF SACRAMENTO

Cause called. Hank G. Greenblatt argued for appellant Lane. Douglas E. Stein argued for appellant Montgomery. Marcos A. Kropf argued for respondent. Cause submitted.

At 10:29 a.m., the court recessed. At 10:31 a.m., the court reconvened with Hull, Associate Justice; Robie Associate Justice; and Butz, Associate Justice.

C061953 DARCHUK v. STATE PERSONNEL BOARD et al.; CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

Cause called. Rudy E. Jansen argued for appellant. Gail T. Onodera argued for real party in interest and respondent. Cause submitted.

At 10:59 a.m., the court recessed. At 11:00 a.m., the court reconvened with Hull, Associate Justice; Robie Associate Justice; and Butz, Associate Justice.

C060843 In re the Marriage of GERALD L. and JOYCE ANN GIBESON; GIBESON v. GIBESON

Cause called. Michael L. Pickering argued for appellant. Russell J. Swartz argued for respondent. Cause submitted.

At 11:20 a.m., the court recessed. At 11:21 a.m., the court reconvened.

Court Minutes

March 24, 2010, Continued

C060930 THE PEOPLE v. KANZA YAWILI

Cause called. Han Ngoc Tran, court appointed counsel, Daniel Bernstein, Deputy Attorney General, argued for appellant. Cause submitted.

At 11:41 a.m., the court recessed until 9:30 a.m., Monday,

March 29, 2010.

C061503 In re S.S.; THE PEOPLE v. S.S.

(Not For Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Hull, J.

Robie, J.

C054422 THE PEOPLE v. MEMORY et al.

BY THE COURT:

Respondent's petition for rehearing is denied. SIMS, Acting P.J.

March 25, 2010

C059163 THE PEOPLE v.

DAVID LAWRENCE KEIHL

(Not For Publication)

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting that defendant was convicted in count 1 of first degree robbery (§ 211) and in count 2 of first degree burglary (§ 459), and forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.

BUTZ. J.

We Concur: Sims, Acting P.J.

Hull, J.

C060370 THE PEOPLE v. MARTIN SANCHEZ

(Not For Publication)

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting an additional 126 days of presentence custody credit and to forward a certified copy of said amended abstract to the Department of Corrections and Rehabilitation.

RAYE, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

Court Minutes

March 25, 2010, Continued

C060747 THE PEOPLE v.

(Not For Publication)

CURTIS MILES UPTHEGROVE

The judgment is modified to reduce victim restitution to \$1,758.08, reduce the drug laboratory fee to \$50, and the related fines and assessments to \$125, as set forth in part II of this opinion. The judgment is further modified to award defendant with 42 days of conduct credit, for a total of 85 days of custody credit. Defendant's conviction and sentence of 19 years eight months are affirmed. The matter is remanded for the limited purpose of holding a hearing to redetermine the restitution fine in accordance with part III of this opinion.

CANTIL-SAKAUYE, J.

We Concur: Scotland, P.J.

Sims, J.

C060899 THE PEOPLE v.

(Not For Publication)

RICKY ALAN SNOW

The judgment is affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.

Butz, J.

C061644 THE PEOPLE v. GEORGE MIMS

(Not For Publication)

The convictions are affirmed. The abstract of judgment shall be amended in accordance with this opinion; as so amended, the judgment is affirmed. The trial court shall forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

RAYE, J.

We Concur: Blease, Acting P.J.

Butz. J.

C062225 THE PEOPLE v.

(Not For Publication)

TREVIN LEEPAUL SPENCER

The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Butz, J.

C062549 THE PEOPLE v.

(Not For Publication)

RUTH LOUISE WALKER

The judgment is modified... A certified copy of the amended minutes shall be forwarded to the Department of Corrections and Rehabilitation.

BUTZ, J.

We Concur: Hull, Acting P.J.

Robie, J.

Court Minutes

March 25, 2010, Continued

C061935 In re ELIJAH C. et al.; SACRAMENTO

(Not For Publication)

COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. SABRINA M.

The orders denying the petition to modify are affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.

Butz, J.

C062182 In re D.P. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN

(Not For Publication)

SERVICES v. C.P.

The orders of the juvenile court are affirmed.

CANTIL-SAKAUYE, J.

We Concur: Hull, Acting P.J.

Butz, J.

March 26, 2010

C059189 THE PEOPLE v.

(Not For Publication)

CALIXTO CADA RACIMO

The judgment is affirmed.

BUTZ, J.

We Concur: Sims, Acting P.J.

Cantil-Sakauye, J.

C059659 THE PEOPLE v.

(Not For Publication)

LARRY FELIX COBARRUBIAS

The judgment is modified to stay imposition of sentence for count 2 (Pen. Code, § 422) pursuant to Penal code section 654. As modified, the judgment is affirmed. The court is to prepare a modified abstract of the judgment and forward a certified copy to the Department of Corrections and Rehabilitation.

SIMS, J.

We Concur: Scotland, P.J.

Blease, J.

Court Minutes

March 26, 2010, Continued

C061844 THE PEOPLE v.

(Not For Publication)

ANGELINA NICOLE WALTERS

The probation condition concerning defendant's presence near marijuana, dangerous drugs, and/or narcotics is modified...

As modified, the judgment is affirmed.

The trial court is directed to amend its records to reflect the modification the appropriate documents to defendant and to the probation department.

SIMS, J.

We Concur: Scotland, P.J.

Blease, J.

C060649 THE PEOPLE v. BROOKS RAYMOND WAMPLER

BY THE COURT:

Appellant's petition for rehearing is granted. The decision filed on March 8, 2010, is vacated.

BLEASE, Acting P.J